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4 IN THE CIRCUIT COURT OF THE STATE OF OREGON
5 FOR THE COUNTY OF MARION
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7 ADAM EUGENE KOBBS, an individual, and
8 N.K., a minor, by and through his father and
9 natural guardian,

10 Plaintiff,

11 v.

12 SILVERTON SHELTERING SERVICES d.b.a.
13 SHELTERING SILVERTON, an Oregon
14 nonprofit corporation; SARAH WHITE, an
15 individual; JOSEPH SCHAMUS, an individual;
16 JORDAN SIMS, an individual; and TRAVIS
17 DEAN GLIDDEN, an individual,

18 Defendants.

Case No. 25CV57849

**DEFENDANTS' RESPONSE TO
PLAINTIFF'S MOTION FOR
SANCTIONS AGAINST SARAH
WHITE, GUY KEATING, AND
TYLER HONN; JUDGMENT ON
LIABILITY IN FAVOR OF
PLAINTIFF; ADVERSE
INFERENCE; AND REFERRAL
FOR PERJURY**

ORAL ARGUMENT REQUESTED

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REQUEST FOR ORAL ARGUMENT

Defendants request Oral Argument on this Motion and estimate argument will take 30 minutes. Official court reporting services are not requested.

RESPONSE

Plaintiff has continued his practice of flooding the court with unnecessary and unwarranted motions, which appear to be fully or partially composed by artificial intelligence programs. Here, plaintiff claims that Guy Keating counsel for defendants for Silverton Sheltering Services ("Sheltering Silverton"), Sarah White and Joseph Schamus, "submitted demonstrably false sworn statements to this Court to dissolve that same preservation order and, when confronted with irrefutable proof of his falsehoods, engaged in a deceptive charade of filing an

1 ‘amended’ declaration that left the lies intact.” *Pltf. Mtn. for Sanctions* at 2. Plaintiff additionally
2 moved the Court for sanctions against Ms. White and Sheltering Silverton for violations of
3 ORCP 46 alleging spoliation of CCTV evidence and willful disobedience. *Id.* at 8. In a
4 supplemental pleading, plaintiff requests that the Court treat attorney Tyler Honn as a
5 sanctionable actor as well because he “signed the motion papers seeking to dissolve or modify
6 the Preservation Order.” *Pltf. Mtn. for Sanctions against Tyler Honn* at 1. Plaintiff has threatened
7 attorneys Keating and Honn with Bar complaints and criminal investigation as the result of the
8 alleged false statements. *Pltf. Mtn. for Sanctions* at 4.

9 Counsel for defendants made no misrepresentations to this Court and sanctions are not
10 warranted. Additionally, plaintiff’s requests for judgment on liability and adverse inference are
11 also inapposite.

12 BACKGROUND

13
14 Sarah White was served with the proposed Preservation Order on November 25, 2025.
15 However, after plaintiff sent counsel for Sheltering Silverton a Sheriff’s Return of Service, Ms.
16 White reviewed the documents served on her and found that she had received plaintiff’s Motion
17 for Preservation Order *Amd. Decl. of Sarah White in support of Mtn. to Dissolve or Modify*
18 *Preservation Ord.* Plaintiff never sent the proposed preservation order to counsel for defendants
19 after he was served with attorney Guy Keating’s notice of representation on October 10, 2025,
20 regarding the tort claim notice that plaintiff filed. *See Exhibit 1.* Counsel for defendants only
21 became aware of the proposed preservation order existed after it was sent to counsel on
22 December 6, 2025, after it had already been signed by Judge Wren and entered by the Court.
23 Defendants filed a motion to dissolve the preservation order on December 17, 2025. On
24 December 18, 2025, plaintiff filed a motion in opposition to plaintiff’s motion to dissolve,
25 attached as an exhibit to which was a proof of service showing that Ms. White had been served
26 with the preservation order on November 25, 2025. Counsel for defendant contacted Ms. White

1 and inquired as to whether she had been physically served on the date in the proof of service. She
2 reviewed the documents she received on that date and found that she had made a mistake, and
3 that she had been served with the proposed preservation order on November 25, 2025. *Amd.*
4 *Decl. of Sarah White.* On November 25, 2025, defendants filed an amended motion to dissolve
5 the preservation order and declarations of Guy Keating and Sarah White. That the substance of
6 Mr. Keating's amended declaration remained the same was intentional, as it is still true that he
7 was never served by plaintiff with the preservation order until it had already been signed by
8 Judge Wren. Plaintiff did not attempt to confer with defense counsel about the Preservation
9 Order before it was signed by Judge Wren. Any of plaintiff's contentions that he attempted to
10 confer with counsel for defendants after the Order was already signed are misleading and
11 inapposite.

13 ARGUMENT

14 1. *Sanctions under ORCP 17 are inapposite.*

15 Counsel for defense did not make a misrepresentation to the Court, and therefore no
16 sanctions are warranted. It is true that before counsel for defendants represented the defendants,
17 Sarah White was served with the proposed Preservation Order, though she, through her personal
18 oversight, only became aware of this fact after counsel for defendants inquired about it. The
19 Preservation Order was signed on December 5, 2025. It is plaintiff's position that his "Plaintiff's
20 December 6, email transmitting the Order invited dialogue, and the December 19 email * * * was
21 explicit conferral." *Mtn. for Sanctions* at 8. However, neither of these emails can be considered
22 "conferrals" as the Order was already signed and entered by the Court as defendants did not have
23 an opportunity to object to them.

25 2. *Defendants maintain that the Preservation Order is unduly burdensome.*

26 Plaintiff claims that the defendant Sheltering Silverton's "duty to preserve evidence

1 attached no later than July 28, 2025.” *Mtn. for Sanctions* at 9. This is due to the language in the
2 Preservation Order which states that “the Shelter shall provide a sworn declaration identifying *
3 * * any deletions since July 28, 2025.” *Preservation Order* at 2. Thus, plaintiff’s contention is
4 incorrect. Defendants cannot be subject to a retroactive duty to preserve evidence. The
5 Preservation Order’s requirement that Sheltering Silverton produce a sworn declaration
6 identifying camera locations and retention settings, storage locations, deletions, systems of
7 incident documentation, likely custodians of the data, and steps taken to comply with the Order
8 are unduly burdensome. Defendants have brought a motion to Dissolve and request a hearing on
9 the Preservation Order pursuant to ORCP 79B(4).

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12 3. *Sanctions against defendants under ORCP 46 are inappropriate because the duty to preserve*
13 *data, if any, did not arise until December 5, 2025.*

14 Plaintiff has presented no evidence that defendants destroyed or allowed to be destroyed
15 any evidence or potential evidence after plaintiff provided notice of his claim, let alone following
16 entry of the Preservation Order on December 5.

17 Plaintiff cites a case which appears to be an artificial intelligence “hallucination” in
18 support of his arguments. Plaintiff’s brief refers to “*Federated Mut. Ins. Co. v. Anderson*, 108 Or.
19 App. 293, 296 (1991).” *Mtn. for Sanctions* at 5. Defendants can find no published case with this
20 citation. This citation could refer to three different cases. *Federated Mut. Ins. Co. v. Anderson*
21 1999 MT 288 (1999) is a Montana Supreme Court case. To defendants’ knowledge, it does not
22 discuss the duty to preserve evidence in anticipation of litigation.

23 *Hayes v. Huard*, 108 Or App 289 (1991) involves negligence in a car accident case. The
24 case ends at page 293 and thus 296 is not a citation to this case. The case which does contain
25 page 296 is *State v. Anderson*, 108 Or App 294 (1991). However, neither, *Hayes* nor the Oregon
26

1 *Anderson* case discusses the duty to preserve evidence in anticipation of litigation. The Court
2 should therefore ignore plaintiff's assertion in connection with the citation.

3 In this case, the requested CCTV footage plaintiff requests is from on or about August
4 2024. Defendant Sheltering Silverton did not have an obligation to preserve evidence in
5 anticipation of litigation merely because the alleged altercation occurred between plaintiff and
6 Travis Glidden and Jordan Sims. Sheltering Silverton was not required to preserve evidence that
7 it could not have known would lead to a case against it. Plaintiff's motion for sanctions is
8 without merit and should be denied.

9
10 **CONCLUSION**

11 The Court should deny plaintiff's motion for sanctions pursuant to ORCP 17. Defendants
12 did not have an obligation to preserve the CCTV footage referenced in the Preservation Order
13 and defendants did not violate the Court's order. The Court should deny plaintiff's motion for
14 sanctions pursuant to ORCP 46.

15 Dated this 13th day of January, 2026.

16 SCHULTE, ANDERSON, DOWNES, ARONSON & BITTNER P.C.

17
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CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing

**DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION FOR SANCTIONS
AGAINST SARAH WHITE, GUY KEATING, AND TYLER HONN; JUDGMENT ON
LIABILITY IN FAVOR OF PLAINTIFF; ADVERSE INFERENCE; AND
REFERRAL FOR PERJURY**

on the date indicated below and to the party/attorney(s) indicated below:

☐ Courtesy mail with postage prepaid, deposited in the US mail at Portland, Oregon;
I further certify that said copy was placed in a sealed envelope delivered to attorneys at the
addresses listed below.

☒ OJD Efiling System (File & Serve) (i.e., "Electronic service" means the electronic
transmission of a notice of filing by the electronic filing system to the electronic mail (email)
address of a party who has consented to electronic service under UTCR 21.100(1)).

☒ Via Email.

Adam Kobs
Adamkamazon1@gmail.com

Plaintiff Pro Se

DATED: January 13, 2026

/s/ Guy Keating

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